

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 05, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA JONATHAN LUND,

Defendant.

No. 2:18-CR-00138-TOR-3

ORDER GRANTING
DEFENDANT'S MOTION FOR
RELEASE AND SETTING
CONDITIONS

Before the Court is Defendant Motion for Motion to Reconsider Conditions of Release Pursuant to 18 U.S.C. § 3142(f). ECF No. 71. Previously, Defendant was released to inpatient treatment at American Behavioral Health Services (ABHS). ECF No. 67. Defendant recites that he has completed this treatment and has notified that Court that he is scheduled to be released today. ECF No. 71 at 2.

Defendant is asking to be released to his mother's residence while he awaits a bed date at a halfway house. ECF No. 71 at 2. Defendant proffers that Supervising Pretrial Officer Erik Carlson has approved this residence as an acceptable release address. ECF No. 71 at 2.

1 Finally, neither the United States nor Probation oppose this request. ECF
2 No. 71-1 at 2. The Court finds that conditions can be fashioned which will
3 reasonably assure Defendant's appearance and the safety of the community.
4 Defendant is released on the following conditions:

5
6 **STANDARD CONDITIONS OF RELEASE**

- 7 (1) Defendant shall not commit any offense in violation of federal, state or local
8 law. Defendant shall advise the supervising Pretrial Services Officer and
9 defense counsel within one business day of any charge, arrest, or contact with
10 law enforcement. Defendant shall not work for the United States government
11 or any federal or state law enforcement agency, unless Defendant first notifies
the supervising Pretrial Services Officer in the captioned matter.
- 12 (2) Defendant shall immediately advise the court, defense counsel and the U.S.
13 Attorney in writing before any change in address and telephone number.
- 14 (3) Defendant shall appear at all proceedings as required and shall surrender for
15 service of any sentence imposed as directed.
- 16 (4) Defendant shall sign and complete A.O. Form 199C before being released and
17 shall reside at the address furnished.
- 18 (5) Defendant shall not possess a firearm, destructive device or other dangerous
19 weapon.
- 20 (6) Defendant shall report to the United States Probation Office before or
21 immediately after release and shall report as often as they direct, at such times
22 and in such manner as they direct.
- 23 (7) Defendant shall contact defense counsel at least once a week.
- 24 (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful
25 for any person who is under indictment for a crime punishable by
26 imprisonment for a term exceeding one year, to possess, ship or transport in
27 interstate or foreign commerce any firearm or ammunition or receive any
28 firearm or ammunition which has been shipped or transported in interstate or
foreign commerce.

1 (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug
2 or other controlled substances defined in 21 U.S.C. § 802, unless prescribed
3 by a licensed medical practitioner in conformance with Federal law.
4 Defendant may not use or possess marijuana, regardless of whether Defendant
has been authorized medical marijuana under state law.

5 (10) Defendant shall surrender any passport to Pretrial Services and shall not apply
6 for a new passport.

7 **ADDITIONAL CONDITIONS OF RELEASE**

8 (14) Defendant shall remain in the Eastern District of Washington while the case
9 is pending. By timely motion clearly stating whether opposing counsel and
10 Pretrial Services object to the request, Defendant may be permitted to travel
11 outside this geographical area.

12 (15) Avoid all contact, direct or indirect, with any persons who Defendant would
13 reasonably know are or may become a victim or potential witness in the
14 subject investigation or prosecution. Pretrial Services may but is not required
15 to exempt specific named individuals from this prohibition, including but not
limited to immediate family members or co-workers.

16 (16) Avoid all contact, direct or indirect, with known felons or Co-Defendant(s).
17 Pretrial Services may but is not required to exempt specific named individuals
18 from this prohibition, including but not limited to immediate family members
19 or co-workers.

20 (18) Refrain from any use of alcohol.

21 (27) **Prohibited Substance Testing: If random urinalysis testing is not done**
22 **through a treatment program, random urinalysis testing shall be**
23 **conducted through Pretrial Services, and shall not exceed six (6) times**
24 **per month.** Defendant shall submit to any method of testing required by the
25 Pretrial Service Office for determining whether the Defendant is using a
26 prohibited substance. Such methods may be used with random frequency and
27 include urine testing, the wearing of a sweat patch, a remote alcohol testing
28 system, and/or any form of prohibited substance screening or testing.
Defendant shall refrain from obstructing or attempting to obstruct or tamper,
in any fashion, with the efficiency and accuracy of prohibited substance
testing.

1 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

2
3 **(28)** Defendant shall participate in one or more of the following home confinement
4 program(s):

5 **Home detention:** Defendant shall be restricted to his/her residence at all times
6 except for: attorney visits; court appearances; case-related matters; court-
7 ordered obligations; or other activities as pre-approved by the Pretrial
8 Services Office or supervising officer, including but not limited to
9 employment, religious services, medical necessities, substance abuse testing
10 or treatment, or mental health treatment.

11 OR

12 Maintain residence at a halfway house or community corrections center, as
13 deemed necessary by the Pretrial Services Office or supervising officer.

14 If a party desires that another Court review this order pursuant to 18 U.S.C. §
15 3145, that party shall promptly file a motion for review before the district judge to
16 whom the case is assigned, as further described in the Detention Order Review
17 Protocol published for the Eastern District of Washington. Both parties shall
18 cooperate to insure that the motion is promptly determined.

19 Defendant's motion, **ECF No. 71**, is **GRANTED**

20 **IT IS SO ORDERED.**

21 DATED October 5, 2018.



A handwritten signature in black ink, appearing to be "M" or "Rodgers", written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE